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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 2340)

In the Application of:)
Manish Mangal and)
Kevin O'Connor) Art Unit: 2681
Serial No.: 10/688,157) Examiner: Anthony S. Addy
Filed: October 17, 2003) Confirmation No. 9209
For: Method and System For Predictive Resource)
Management In A Wireless Network)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER

In regard to the above identified application:

1. We are transmitting herewith the attached:
 - a. Statement of Substance of Interview
 - b. Return Receipt Postcard.
2. With respect to additional fees, there are no fees
3. Please charge any additional fees or credit overpayment to Deposit Account No. 210765. A duplicate copy of this sheet is enclosed.
4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this 1st day of March, 2006.

By :

Richard A. Machonkin
Richard A. Machonkin
Reg. No. 41,962



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STATEMENT OF SUBSTANCE OF INTERVIEW

Pursuant to 37 C.F.R. 1.133(b) Applicant presents this written statement regarding the substance of the telephonic interview conducted on February 22, 2006. The participants in the interview were Richard A. Machonkin, on behalf of Applicant, and Examiner Anthony S. Addy.

The recitation of “mobile stations” in the claims was discussed during the interview, with reference to Spinar et al., U.S. Pub. No. 2002/0080816 (“Spinar”). The general thrust of Applicant’s principal argument was that the Customer Premises Equipment (CPE) disclosed in Spinar are not mobile stations because they are fixed. Applicant’s representative pointed out that paragraph 5 of Spinar refers to “a plurality of fixed subscriber stations or Customer Premises Equipment (CPE) stations.”

In response, the Examiner cited to paragraph 192 of Spinar, which mentions an embodiment wherein satellites replace the base stations and the CPEs may not be at fixed distances from the satellites. However, the Examiner acknowledged that the satellites would be moving with respect to the earth. Applicant's representative pointed out that the motion of the satellites would account for why the CPEs may not be at fixed distances from the satellites. Thus, paragraph 192 does not indicate that the CPEs are mobile. Nonetheless, the Examiner continued to maintain that the CPEs in Spinar are inherently mobile stations.

Thus, no agreement was reached.

Respectfully submitted,

**McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP**

Dated: March 1, 2006

By:

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